

Remarks

Claims 1 to 12 are pending in this application. Claims 1 and 7 have been amended. No new matter has been added. The amended claims are fully supported by the specification. Reconsideration of the present amendment, as amended, is respectfully requested.

Section 103 Rejection

Of previously pending claims 1-12, all were rejected. Independent claims 1 and 7 were rejected under 35 USC §103(a) as being obvious over U.S. Patent No. 6,137,603, which issued October 24, 2001 to N. Hemmi, in view of U.S. Patent No. 5,434,691, which issued July 18, 1995 to K. Yamane. Claims 2-6 and 8-12 were rejected under 35 USC §103(a) as being obvious over the cited Hemmi patent in view of the cited Yamane patent and further in view of U.S. Patent No. 5,130,837, which issued July 14, 1992 to M. Kitamura *et al.*

This rejection is respectfully traversed. The applicant addresses his arguments with respect to independent claims 1 and 7, which have been amended to better particularly point and distinctly claim the subject matter of his invention.

In rejecting these claims, the Examiner reasoned:

“Regarding claim 1, Hemmi discloses an insertion node that functions like a receiver transponder to be used in an optical add and drop node connected in a two-fiber network (fig.1), characterized by first and second optoelectronic converter for converting received optical signals to electrical signals...each optoelectronic converter generating an output signal carrying a supervisory channel (e.g., the opto-electric of Hemmi is clearly capable of this function), an electronic switch having two signal input terminals....”

With due respect to the Examiner, the Hemmi patent does not disclose, “each optoelectric converter generating an output signal carrying light signal power information and a supervisory channel,” as recited in applicant’s claim 1. The Examiner appears to believe that the optical receivers 1052, 1053 illustrated in Fig. 2 do so because they are “clearly capable of this function.” However, the Hemmi patent describes:

“Meanwhile, the inputting and outputting of an optical amplifier 1061 are monitored by intensity-modulating light with a wavelength different from that of

the main signal. For the optical amplifier monitoring, the failure recovery is conducted by a loop-back technique using a loop-back switches 1081, 1082.” Col. 1, lines 39-44.

To monitor the “inputting and outputting” of the optical amplifiers 1061, 1062 (it is very likely that the Henmi description also intended to include the optical amplifier 1062, given the symmetry of the optical circuit of Fig. 2 and its operation), the signal power must be monitored at both terminals of the optical amplifiers, i.e., at the optical fibers 1021, 1022. Hence even assuming *arguendo* that the optical receiver 1052, 1053 are capable of “generating an output signal carrying light signal power information and a supervisory channel,” Henmi would not have done so. The light signal power information is already available from the optical fibers and a tap is provided for the supervisory channel.

Hence claim 1 is patentably distinguishable over the cited prior art and should be allowable. Independent claim 7 likewise has the same language and should also be allowable. Dependent claims 2-6 and 8-12 should be allowable for at least being dependent upon allowable base claims.

Conclusion

Therefore, in view of the amendments above and the remarks directed thereto, the applicant respectfully requests that all rejections be withdrawn, that claims 1-12 be allowed and the case be passed to issue. If a telephone conversation would in any way expedite the prosecution of this application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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